

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

RIGOBERTO TOSCANO,

Plaintiff,

v.

Case No. 16-cv-216-JPG-SCW

WEXFORD HEALTH SOURCES, DR.  
SHAH and DR. ORMUNDSON,

Defendant.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Report and Recommendation (“Report”) (Doc. 76) of Magistrate Judge Stephen C. Williams recommending that the Court deny the defendants’ motion for summary judgment asserting plaintiff Rigoberto Toscano failed to exhaust his administrative remedies before filing suit (Doc. 58). No party has objected to the Report.

The Court may accept, reject or modify, in whole or in part, the findings or recommendations of the magistrate judge in a report and recommendation. Fed. R. Civ. P. 72(b)(3). The Court must review *de novo* the portions of the report to which objections are made. *Id.* “If no objection or only partial objection is made, the district court judge reviews those unobjected portions for clear error.” *Johnson v. Zema Sys. Corp.*, 170 F.3d 734, 739 (7th Cir. 1999).

The Court has received no objections to the Report. The Court has reviewed the entire file and finds that the Report is not clearly erroneous. Accordingly, the Court hereby:

- **ADOPTS** the Report in its entirety (Doc. 76);
- **DENIES** the defendants’ motion for summary judgment (Doc. 58).

**IT IS SO ORDERED.**

**DATED: July 7, 2017**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**